BEFORE THE HON'BLE HIGH COURT OF CHHATTISHGARH
AT BILASPUR

W.P No. 1378 /2001

PETITIONER : Dr. Sudhakar Vasant Killedar Aged-57 yrs.
S/o- Late Shri V.L. Killedar Distt. T.B.
Officer, T.B. Clinic, Raipur (C.G.)

VERSUS

RESPONDENTS: 1. STATE OF (C.G.)
Through Secretary Health Dept.Secretariate,
D.K. Secretariate,Raipur, (C.G.)
2. The Director Health Services,Raipur, (C.G.)

P. R. No. 1460/01
Presented by Shri D. P. Benjamin
dated 26.8.01

Petition U/S 226/227 of the Constitutional Law of India

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 1378 of 2001

Petitioner : Dr. Sudhakar Vasant Killedar

Versus

Respondents : State of Chhattisgarh and another

SB : Hon'ble Shri Satish K. Agnihotri, J.

Present: None appears for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents/State.

ORDER

(Passed on this 21st day of February, 2007)

1. The petitioner, while working as District T.B. Officer in T.B. Hospital, Raipur was transferred to Community Health Centre-Magariod, District Dhamtari vide impugned order dated 23.7.2001 (A/1).

2. This Court vide interim order dated 14.8.2001 has stayed the impugned order dated 27.7.1994 (A/1), thereby the petitioner shall be allowed to continue in the present place of posting as District Officer, T.B. Hospital, Raipur.

3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.

4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this

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Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge